

John Barhoum, OSB No. 045150
Email: john.barhoum@chockbarhoum.com
Jeffrey W. Hansen, OSB No. 923290
Email: jeff.hansen@chockbarhoum.com
Chock Barhoum LLP
121 SW Morrison St., Suite 500
Portland, OR 97204
Telephone: 503.223.3000

Attorneys for Defendant Discount Tire Co. of
Washington, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

WILLIAM “LEVI” FAIRCHILD, SARAH
FAIRCHILD and OLIVIA FAIRCHILD,

Case No. 3:20-cv-1425

Plaintiffs,

**DEFENDANT’S NOTICE OF
REMOVAL**

v.

JURY TRIAL REQUESTED

BRANDON A. WHITWORTH; JUSTIN
KNOWLES; KNOWLES ENTERPRISES, LLC,
a dissolved Washington limited liability
company; KNOWLES ENTERPRISES, LLC, a
Washington limited liability company,
DISCOUNT TIRE CO. OF WASHINGTON,
INC., a Washington corporation; DISCOUNT
TIRE CO., INC., an Arizona corporation,

Defendants.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a),
Defendant Discount Tire Co. of Washington, Inc. (“Defendant”) removes this action from the

Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon, Portland Division.

RELEVANT FACTS

On July 22, 2020, Plaintiffs served Defendant with a Summons, Complaint and Amended Complaint captioned *William “Levi” Fairchild, et al. v. Brandon A. Whitworth, et al.*, Case No. 20CV23378, filed in the Circuit Court for the State of Oregon for the County of Multnomah. *See* Declaration of Jeffrey W. Hansen (“Hansen Decl.”), ¶2. Copies of the Summons, Complaint and Amended Complaint are attached hereto as Exhibits A and B, respectively. *Id.* These documents, taken together, constitute all process, pleadings, and orders served on Defendant in that action up to the present date. *Id.*

GROUNDS FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiffs’ principle claims for relief against Defendant exceed \$75,000. Plaintiffs seek damages of \$9,827,855.36. Amended Complaint ¶20.
2. Plaintiffs and Defendant are residents of different states. Plaintiffs reside in Oregon and Defendant is a Washington corporation. *See* Complaint ¶1, 6; *see also* Defendant’s Corporate Disclosure Statement (being filed concurrently). Defendant is headquartered with its principal place of business in Arizona. Hansen Decl., ¶4. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).
3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30

days have elapsed since copies of the Summons and Complaint were served on Defendant. A copy of the Service of Process Transmittal received from Defendant's authorized registered agent for service of process is attached hereto as Exhibit C. Hansen Decl., ¶3.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Multnomah as of the date of this removal other than outlined herein.

5. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Discount Tire Co. of Washington, Inc. prays that this action be removed from the Circuit Court for the State of Oregon for the County of Multnomah and placed on the docket of the United States District Court for the District of Oregon in the Portland Division.

Dated this 20th day of August, 2020.

CHOCK BARHOUM LLP



John R. Barhoum, OSB No. 045150
Email: john.barhoum@chockbarhoum.com
Jeffrey W. Hansen, OSB No. 923290
Email: jeff.hansen@chockbarhoum.com

Attorneys for Defendant Discount Tire Co. of Washington, Inc.